THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.25669/1995

Dt.13-3-2006

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Puvadi Venkata Subbaiah Chetty ..Petitioner

V.

1. The State of Andhra Pradesh represented by its District Collector, Chittoor District and others. .Respondents.

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W.P.No.25669/1995

ORAL ORDER

The petitioner is the absolute owner of the land covered by S.No.433/1, 434/2 and 435/3-2 ad-measuring Ac.4-48 cents situate at Chinthaparthy village which are contiguous to each other. Due to acquisition of Ac.3-50 cents in S.No.433/1, left out land ad-measuring Ac.0-98 cents in S.No.434/2 and 435/3-B is without ingress and egress and he deprived of enjoyment of the same.Therefore, he filed the present writ petition seeking a writ of Mandamus directing the respondents to acquire Ac.0-98 cents in S.No.434/2 and 435/3-B situate at Chinthaparthy village under Section 49 of the Land Acquisition Act, 1894 (for short "the Act") and pay the compensation for the said land along with the compensation payable to the land acquired.

Admittedly, an award was passed on 5-4-1989 by the second respondent. Aggrieved by the quantum of compensation, the petitioner sought for a reference under Section 18 of the Land Acquisition Act, 1894 to the Subordinate Judge's Court, Madanapalle for enhancement of the compensation, where it was numbered as OP No.31/89.

Section 23 of the Act deals with the matters to be considered in determining compensation. In case the land owner suffered any loss by reason of serving such land from the other land and damage sustained by reason of the acquisition of property injuriously affecting his other property or his earnings, the same shall be taken into consideration while determining compensation payable to the land owner.

In view of the same, the petitioner is always at liberty to claim compensation for injuriously affecting the other property due to severance of the said land by acquiring the other land by leading proper evidence before the reference court. It is not a fit case to grant a Mandamus to the Land Acquisition Officer to acquire the said land.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to claim compensation for the damages or injuries sustained, as referred to above, in accordance with law. No costs.

13-3-2006

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